

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT J. FRIEDMAN,

Plaintiff,

-against-

MT. SINAI HOSPITAL, DR. SHELLEY
EPSTEIN, DR. JOY RISKIN,

Defendants.

23-CV-1142 (JHR)

ORDER OF SERVICE

JENNIFER H. REARDEN, United States District Judge:

Pro se Plaintiff Robert Friedman brings the instant action against Defendants Mt. Sinai Hospital, Dr. Shelley Epstein, and Dr. Joy Riskin, seeking damages in connection with his alleged “false[] imprison[ment] in Mt. Sinai Hospital” between October 4, 1987 and November 22, 1987. By order dated February 13, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *See Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013) (“Generally, a *pro se* litigant proceeding *in forma pauperis* is entitled to rely on the U.S. Marshals Service to effect service.”); *see also* § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order that service be made by the Marshals Service if the plaintiff is authorized to proceed IFP).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the Complaint until the Court reviewed the Complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff to effect service on Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each Defendant. The Clerk of Court is further instructed to issue a summons for each Defendant, and to deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon each Defendant.

If the Complaint is not served on the Defendants within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

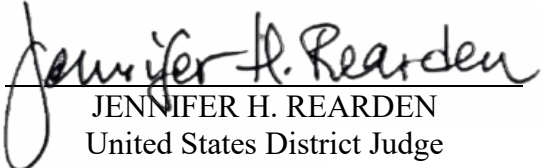
CONCLUSION

The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court also directs the Clerk of Court to: (1) issue summonses for each of the Defendants; (2) complete USM-285 forms with the addresses for the Defendants; and (4) deliver to the U.S. Marshals Service all documents necessary to effect service on the Defendants.

SO ORDERED.

Dated: March 24, 2023
New York, New York


JENNIFER H. REARDEN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Mt. Sinai Hospital
1468 Madison Avenue
New York, New York 10029
2. Dr. Shelley Epstein
St. Catherine of Siena Hospital
222 East Min Suite, Suite 210
Smithtown, New York 11787
3. Dr. Joy Riskin
1330 Beacon Street
Brookline, Massachusetts 02446